

shipped in interstate commerce on or about October 17, 1934, from Indianapolis, Ind., into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Glen Valley Brand \* \* \* Tomato Catsup Prepared by Van Camp's, Inc., Indianapolis, Ind."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 26, 1935, Stokely Bros. & Co., having filed a claim and answer admitting the allegations of the libel with respect to 12 cases of the product and denying the allegations with respect to the remainder, and the court having found the answer of the claimant to be true, judgment of condemnation was entered and it was ordered that the product be delivered to the claimant under a bond conditioned that the good and bad portions be separated under the supervision of this Department and the good portion only released.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25615. Adulteration of tomato paste. U. S. v. 16 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 36313. Sample no. 43326-B.)**

This case involved canned tomato paste that contained filth resulting from worm infestation.

On September 12, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cases of tomato paste at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about September 5, 1934, by the Manteca Canning Co., from Stockton, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mattina Brand \* \* \* Tomato Paste \* \* \* Manteca Canning Company Manteca Calif Uso Napolium."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 20, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25616. Adulteration and misbranding of Vegetrate preparations. U. S. v. 12 Packages and 36 Packages of Vegetrate No. B. F. 1, and other cases. Default decrees of condemnation and destruction. (F. & D. nos. 36339 to 36344, incl., 36671 to 36677, incl. Sample nos. 35967-B, 38430-B to 38437-B, incl., 40062-B, 40063-B, 40066-B to 40069-B, incl.)**

These products were represented to consist entirely of vegetable food substances. All were misbranded because of unwarranted curative and therapeutic claims in the labeling, and portions also were adulterated and further misbranded because of the presence of laxative drugs and calcium carbonate, a mineral substance.

On September 19 and November 29, 1935, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 338 packages and bottles of various Vegetrate formulas at Washington, D. C., alleging that the article had been shipped in interstate commerce between the dates of May 29, and October 25, 1935, by the Health Foundation of California, from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part, variously: "Vegetrate No. B. F. 1"; "Vegetrate B. F. 1 Powder"; "Vegetrate Formula H. F. C. No. A-45 [or "D-44", "A-417", or "H-410"]."

Analyses of samples of the product identified as "B. F. 1" showed that it consisted essentially of vegetable substances including rice, bran, cinnamon, cranberry, kelp, and leafy vegetables. All samples of the B. F. 1 contained senna leaves or rhubarb or both, those in tablet form also containing calcium carbonate. The remaining products consisted of leaf, stem, and root material.

The B. F. 1 was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, (carton) "Made entirely from concentrated fresh raw fruits and vegetables" or "Made from concentrated, fresh raw vegetables and fruits", since the product contained rhubarb root or senna leaves, or both, cathartic drugs, not fruits nor edible vegetables, and three of the five lots contained calcium carbonate, a mineral substance.

Misbranding of the B. F. 1 was alleged for the reason that the name of the product, "Vegetrate", the cut depicting fruits and vegetables in a circular ac-

comparing several of the lots and the following statements, or statements substantially the same, appearing in the labels, were false and misleading, since they created the impression that the article consisted of such fruits and vegetables as are ordinarily used for food purposes: (Carton of certain lots) "Vegetrate The Vegetable Concentrate Corrective \* \* \* Made entirely from concentrated fresh raw fruits and vegetables \* \* \* Vegetrate is \* \* \* compounded so as to retain valuable minerals \* \* \* all in organic form"; (carton of remaining lots) "Made from concentrated, fresh raw vegetables and fruits. Vegetrate BF-1 is scientifically compounded so as to retain valuable minerals, particularly calcium, phosphorus, iron, magnesium, sodium, potassium and sulphur, all in organic form, as well as the natural chlorophyll of the vegetable leaf"; (circular shipped with certain lots) "Vegetrate \* \* \* The producers of Vegetrate make no secret about its composition. \* \* \* fruits and vegetables \* \* \* it was necessary to devise some means of furnishing the minerals and vitamins as contained in fruits and vegetables \* \* \* Vegetrate is the result of such a quest. It is made of the essential fruits and vegetables \* \* \* An ounce of vegetrate contains the value of from fifty to one hundred times that quantity of raw fruits and vegetables. When the cell is broken as it is in Vegetrate, all of the minerals and vitamins are released \* \* \* in answer to the question, 'What is Vegetrate?' we can truthfully say that Vegetrate is the concentrated essence of healthful raw fruits and vegetables \* \* \* The Vegetable Concentrate Corrective."

The libels charged misbranding of all products in that the following statements, or statements substantially the same, appearing in the labeling were statements regarding the curative and therapeutic effects of the articles and were false and fraudulent: (B. F. 1) "Hyperacidity Brings you life anew A quick source of vital elements Alkalizer and Builder Vegetrate's organic mineral salts neutralize the acids found in most deficiency diseases. These natural salts help elimination and help to restore normal equilibrium to diseased function, especially when combined with our alkalizing diet for this purpose \* \* \* Corrective \* \* \* Health Foundation"; (H. F. C. No. A-45) "The Arthritic The Nutritional objective is to supply the body with a uniform and high proportion of Organic Phosphorus, thus facilitating the excretion of calcium in the form of calcium phosphate"; (H. F. C. D-44) "The nutritional objective is to supply the Pancreas with the mineral element constituents essential to the fabrication of its normal secretion. Highly valuable as a food adjuvant for the Diabetic (Mellitus) Health Foundation. Vegetrate Formula No. (H. F. C. D. 44) is composed entirely of the concentrates of raw vegetables, selected and grown for their high organic mineral content. These vegetable concentrates are so processed and proportioned as to make available for human assimilation organic calcium, phosphorus, iron, sodium, magnesium, sulphur, and chlorine, but selected from sources of very low carbohydrate content. The actual breakage of the cellulose cell walls (indigestible) of the vegetable render the mineral colloids therein more available for human assimilation"; (H. F. C. No. A-417, \$1 size) "Hay Fever Asthmatic The Nutritional objective is to supply the body with a uniform and generous supply of Organic Iron, Calcium and Phosphorus, from sources rich in natural chlorophyll. Health Foundation", (H. F. C. No. A-417, \$3 size) "Highly valuable as a Nutritional Adjuvant for the Asthmatic The Nutritional objective is to supply the body with a uniform and generous supply of Organic Iron, Calcium and Phosphorus, from sources rich in natural chlorophyll. A food concentrate recommended highly as a nutritional adjuvant in the dietary care of the Asthmatic Health Foundation Hay Fever. Vegetrate Formula No. (H. F. C. A-417) is a food composed entirely of the concentrates of raw leafy vegetables grown and selected for their high organic mineral content. The leafy vegetable ingredients, spinach, watercress, endive, lettuce, beet leaves, celery and leaves, etc., are all prolific sources of chlorophyll, widely regarded as the 'foundation building material for hemoglobin formation.' The actual breakage of the cellulose cells makes available for human assimilation, organic iron, calcium and phosphorus"; (H. F. C. H-410) "The Nutritional objective is to supply the body with a high proportion of phosphorus to facilitate the excretion of calcium in the form of calcium phosphate and by a supply of apiol to relieve the nervous tension. The tablet is coated with chocolate to avoid the aroma of garlic. A food recommended as a dietary adjuvant in the reduction of hypertension. Health Foundation"; (circular enclosed with portion of B. F. 1) "\* \* \* fruits and vegetables are absolutely essential toward maintaining good health, natural balance and physical well being. Fruits and vegetables are the stabilizing foods, the alkalizing foods, so essential

toward overcoming the hyperacidity invariably found in our refined diets. Unfortunately, modern civilized diet does not include enough of the raw fruits and vegetables to make a balanced meal. As a result, we suffer from the so-called malnutritional diseases—and many diseases come from malnutrition. \* \* \* One of the main attributes of Vegetrate is its ability to foster and quicken elimination, to get rid of the toxic poisons and waste matter that so clog the system and sap the vitality. Practically all food scientists agree that more of the fruits and vegetables ought to be included in the individual's dietary to prevent disease, to insure a greater freedom from infection. Nevertheless, the fact remains that we do not take these fruits and vegetables in sufficient quantity. National figures show that every man, woman and child in this country is consuming one hundred thirty-five pounds of white, refined sugar in a multitude of forms. Sugar is an acid producing food. Every pound of meat—and we are consuming approximately one hundred and fifty pounds per capita annually—contributes its proportion of acids which must be neutralized. To overcome the effects of acid producing foods, to counter-balance the painful results of the malnutritional diseases, it is essential that we consume liberal quantities of mineral salts and vitamins. Often by the time a disease has developed to the point where it shows itself in the form of symptoms, the patient has already suffered from years of malnutrition. Consequently, it was necessary to devise some means of furnishing the minerals and vitamins as contained in fruits and vegetables and, at the same time, giving it in such a form that the body could readily take it and assimilate it. Vegetrate is the result of such a quest. \* \* \* When the cell is broken as it is in Vegetrate, all of the minerals and vitamins are released for quick assimilation. Nothing is wasted. Neutralization is carried on quickly and effectively. Acid condition is relieved. Consequently, in answer to the question, 'What is Vegetrate?' we can truthfully say that Vegetrate is the concentrated essence of healthful raw fruits and vegetables, containing most of the minerals and vitamins necessary for the alkaline balance of the blood in an easily assimilable form. Is it any wonder, therefore, that we think so highly of our product, that we take it ourselves for our own ailments and indiscretions, and that we have secured such splendid results in the treatment of those diseases caused by faulty diet?"

On October 11, 1935, and January 23, 1936, no claimant having appeared, judgments of condemnation were entered and the products were destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25617. Adulteration of tomato catsup. U. S. v. 146 Cartons of Tomato Catsup. Consent decree of condemnation. Product released under bond. (F. & D. no. 36358. Sample no. 37686-B.)**

This case involved a shipment of tomato catsup, samples of which were found to contain excessive mold.

On September 17, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 146 cartons of tomato catsup at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 4, 1934, by Crosse & Blackwell, from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Crosse and Blackwell Fancy Tomato Catsup, New York, London, Made in USA."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On October 9, 1935, Crosse & Blackwell Co., Inc., claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25618. Adulteration of huckleberries. U. S. v. 6 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 36402. Sample no. 44281-B.)**

This case involved a shipment of huckleberries that contained maggots.

On August 15, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six crates of huckleberries at Buffalo, N. Y., alleging that the article had been shipped in interstate